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10/567,159	02/03/2006	Salvatore Fabrizio Consoli	023349-00312	3045
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ARENT FOX LLP				
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SUITE 400				
WASHINGTON, DC 20036				
EXAMINER				
WU, IVES J				
ART UNIT		PAPER NUMBER		
1797				
NOTIFICATION DATE		DELIVERY MODE		
03/17/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com  
IPMatters@arentfox.com  
Patent\_Mail@arentfox.com

# Office Action Summary

**Application No.**

10/567,159

**Applicant(s)**

CONSOLI ET AL

**Examiner**

IVES WU

**Art Unit**

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SD/US)  
Paper No(s)/Mail Date 2/3/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement filed 2/3/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

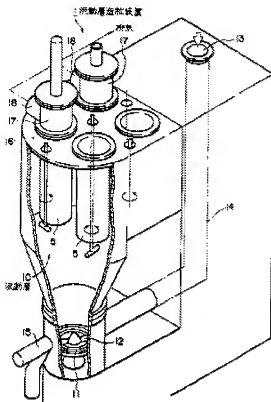
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

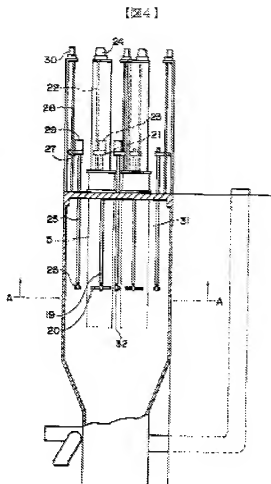
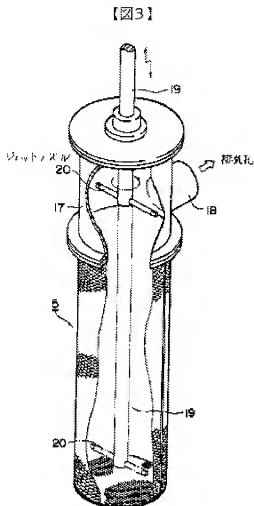
(1). **Claims 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozeki et al (JP 05-049902), evidenced by Everroad (US 3620234).

As to a granulator device for the treatment of powdered products comprising at least one closed container forming a chamber for treatment of the products in **independent claim 1**, Ozeki et al (JP 05-049902) disclose filter of granulator and filter treating device. As is shown in the Figure below, it includes chamber 10 in closed container.



As to filter means projecting into the treatment chamber and filter means comprising at least one multi-layer filtering wall through which at least one fluid current can pass in a granulator device in **independent claim 1**, as is shown in the figure above, - the filter 5. The mesh filters 6 and 7 carry out several sheet (for example, bilayer thru/or about six layers) lamination of the stainless steel wire gauze (0006], line 6-7). Air is uniformly breathed out toward the inside of a mesh filter from the jet nozzle with which it was equipped at the tip ([0005]), line 4-5)..

As to powder removing means designed to diffuse at least one service fluid directed towards the filtering wall in **independent claim 1**, as is illustrated in the Figure below, it has the nozzles 20 and 32 to spray air and water from inside the filter or outside the filter.



As to the device being characterized in that the powder removing means comprising at least a 1<sup>st</sup> arm mobile relative to the filtering wall and fitted with diffuser nozzles, the 1<sup>st</sup> nozzles being positioned on the 1<sup>st</sup> arm in such a way as to gradually cover the length of the surface of the filtering wall, as the arm moves, diffusing the service fluid so as to free the filtering wall of the powders trapped in it in **independent claim 1**, Ozeki et al (JP 05-049902) disclose, while a jet nozzle 20 is rotated in the inside of a filter 5, it is vertically moved. Moreover, low pressure air is continuously discharged from the jet nozzle 20. Powder stuck to the filter 5 is blown off without almost fluctuating the pressure (Constitution). It would be obvious to have more than one nozzles on the arm because duplication of parts. *In re Harza*, 274 F.2d 669, 124 USPQ 378

(CCPA 1960). Also evidenced by Everroad (US 3620234), a plurality of nozzles are in each arm in Figure 1.

As to device being characterized in that the filtering wall belongs to a filter which has the shape of a completely hollow solid; the 1<sup>st</sup> nozzles projecting towards the filtering wall from inside of the solid formed by the filter in **claim 2**, as is shown in the Figure 3 above, which read on the limitation of instant claim.

As to device being characterized in that the arm is rotatably mounted about a fixed axis of rotation of the filtering wall to rotate about the axis in **claim 3**, as is shown in the Figure 3 & 4 above, which read on the limitation of instant claim.

As to device being characterized in that the powder removing means also comprise a 2<sup>nd</sup> arm fitted with 2<sup>nd</sup> nozzles for diffusing the service fluid; the 2<sup>nd</sup> arm also being mobile relative to the filtering wall in **claim 4**, as is shown in Figure 4 above the nozzle 32. By the same mechanism also as the center section of four filters 5, vertical movement is carried out, the axis 31 to rotate is established, and the lower end of this axis 31 is equipped with the jet nozzle 32 which can carry out the regurgitation of the water in the two-dimensional thru/or three-dimensional direction (the upper and lower sides, oblique direction) ([0007], line 26-30).

As to device being characterized in that 1<sup>st</sup> and 2<sup>nd</sup> arm to be respectively facing opposite faces of the filtering wall in **claim 5**, as is shown in the Figures 3 & 4, which has the features as claimed.

As to device being characterized in that 1<sup>st</sup> and 2<sup>nd</sup> arm to be both rotatably mounted about a shared axis of rotation to rotate about the axis in **claim 6**, it would be obvious to mount both 1st arm and 2nd arm in the same axis of rotation because of design choice. MPEP §§ 2144.04.

As to device being characterized in that 1<sup>st</sup> arm being rotatably mounted to rotate inside the filtering wall and 2nd arm being rotatably mounted to rotate outside the filtering wall in **claim 7**, as shown in the Figure 3 and 4 above, arms 19 and 25 which reads on the limitations of instant claim.

As to device being characterized in that the filtering wall belongs to a filter which has the shape of a symmetrical solid; the 1<sup>st</sup> and 2<sup>nd</sup> nozzles being fitted on the respective arms in such a way that they are opposite a limited surface area around a generatrix of the shape of the filtering

wall following rotation of the line about the axis of the solid in **claim 8**, Ozeki et al (JP 05-049902) disclose metal mesh filter 6 cylindrical, as shown in the Figure 3 and 4, nozzle 20 and 32, same mechanism, vertical movement and rotatable axis, which read on the limitations of instant claim.

As to device being characterized in that 2<sup>nd</sup> arm comprising 2<sup>nd</sup> nozzles opposite at least one wall of the container, rotation of the 2<sup>nd</sup> arm being designed to allow the removal of powders from the surface of the container wall in **claim 9**, as shown in the Figure 4 above, the axis 25 and nozzle 26 on the axis reads on the limitations of instant claim, it would be obvious to have multiple nozzles on the axis 25 because duplication of parts. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

As to device being characterized in that service fluid is a pressurized gaseous fluid in **claim 10**, Ozeki et al (JP 05-049902) disclose air.

As to device being characterized in that service fluid is a fluid in the wet state in **claim 11**, Ozeki et al (JP 05-049902) disclose water.

As to device being characterized in that filter has the shape of an inverted cover, the 1<sup>st</sup> and 2<sup>nd</sup> arms having a shape matching the meridian profile of the cover in **claim 12**, it would be obvious to have the filter having shape of an inverted cover with 1<sup>st</sup> and 2<sup>nd</sup> arms matching with because changes in shape, but it does not affect functions. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

As to device being characterized in that the cover has an oblique flat base in **claim 13**, it would be obvious to have oblique flat base because design choice.

As to device being characterized in that the cover having a cylindrical shape in **claim 14**, as shown in the Figure 3, it has a cylindrical body.

As to device being characterized in that the powder removing means comprising 3<sup>rd</sup> diffuser nozzles attached to one of the walls of the container to diffuse a service fluid in the wet state in **claim 15**, as shown in the Figure 3 above the 3<sup>rd</sup> diffuser attached to the same axis 19 as 1<sup>st</sup> nozzle. However, it would be obvious to attach the 3<sup>rd</sup> diffuser nozzle to the wall because of design choice.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IVES WU whose telephone number is (571)272-4245. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Ives Wu

Art Unit: 1797

Date: March 11, 2009

/DUANE SMITH/  
Supervisory Patent Examiner, Art Unit 1797